

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.8424 OF 2004

Kondiba Bhau Balghare .. Petitioner  
Versus  
State of Maharashtra & Ors. .. Respondents.

Mr.S.R.Borulkar for petitioner  
Mr.P.M.Patil, A.G.P. for respondent Nos. 1 to 3  
Mr.Vijay Patil for respondent No.4

CORAM : A.P.SHAH AND  
S.C.DHARMADHIKARI, JJ.

DATE : 25TH OCTOBER 2004.

P.C.

1. Petitioner is owner of S. No.732 situate at village Chikhali, Taluka Haveli, Dist. Pune. It appears that S.L.A.O. has acquired S.No.752 situate at the same place belonging to one Maruti Laxman More. S.No.752 does not fall in area of respondent No.4 and according to respondent No.4, they intended to acquire S.No.732 and not S.No.752. By letter dated 9/12/1982, Dy.Collector and O.S.D. Pune has written to

S.L.A.O. making a request to correct the record and include S.No.732 in the award instead of S.No.752. Petitioner's Counsel contends and in our opinion rightly so, that the land of petitioner cannot be taken away by simply changing the Survey number. At no time, the petitioner was given any notice in respect of proposed acquisition nor any amount of compensation has been paid to him. Learned Counsel appearing for respondent No.4 also fairly conceded that record cannot be corrected as suggested by the Dy.Collector and O.S.D. He agrees to withdraw the impugned letter without prejudice to rights of respondent No.4 to acquire the land of petitioner by following due procedure of law. In view of statement of learned Counsel for respondent No.4 nothing survives in the petition.

3. Petition is accordingly disposed of.

4. Respondent No.4 shall not carry out any further work in S.No.732 till the land is acquired.

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